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03/00/11

PATENT  
Attorney Docket: P02293US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Karen A. Mc Kirchy  
SERIAL NO: 10/075,730  
FILED: February 14, 2002  
TITLE: Method and Apparatus for Providing Instructional Help  
at Multiple Levels of Sophistication in a Learning Application

GROUP NO: N/A  
EXAMINER: N/A  
CONF. NO.: 2691

PETITION TO ESTABLISH PRIOR RECEIPT IN THE PTO OF ITEM(S)  
CONSIDERED AS OMITTED BY THE PTO-RESPONSE TO  
☒ "NOTICE OF INCOMPLETE APPLICATION"

NONPROVISIONAL APPLICATION

1. This is in response to the
- ☐ "NOTICE OF OMITTED ITEMS"
- ☒ "NOTICE OF INCOMPLETE APPLICATION"

mailed for this application on March 7, 2002.

Repln. Ref: 07/02/2002 AKELLEY-0012125800  
DAB:260084 - Name/Number:10075730  
FC: 704

- ☐ "NOTICE OF OMITTED ITEMS"
- ☒ "NOTICE OF INCOMPLETE APPLICATION"

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is enclosed.

2. Applicant asserts that the items indicated as omitted were in fact deposited with the PTO  
with the original application papers filed on February 14, 2002.

Adjustment date: 07/02/2002 AKELLEY-  
05/21/2002 JADD01 00000007 10075730  
01 FC:122

-130.00 OP

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231  
with sufficient postage:

37 CFR 1.8(a)

37 CFR 1.10

☒ as first class mail

☐ as "Express Mail Post Office to Addressee" Mailing Label No.

VIA FACSIMILE TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office

Date: May 7, 2002

Wanda R. Webb  
Wanda R. Webb

05/21/2002 JADD01 00000007 10075730 130.00 OP  
01 FC:122



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/075,730	02/14/2002	Karen A. McKirchy	P02293US2

CONFIRMATION NO. 2691

22885  
MCKEE, VOORHEES & SEASE, P.L.C.  
801 GRAND AVENUE  
SUITE 3200  
DES MOINES, IA 50309-2721

## FORMALITIES LETTER



\*OC000000007600648\*

Date Mailed: 03/07/2002

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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February 14, 2002

Atty Dkt No. P02293US2

McKirchy, Karen A.

Continuation of Serial No. 09/301,261

Method & Apparatus for Providing Instructional Help, at Multiple  
Levels of Sophistication, in a Learning Application

Please acknowledge receipt:

Utility Patent Application Transmittal Letter  
Fee Transmittal Form (in duplicate)  
Application Data Sheet (1 pg)  
Copy of original application (29 pages)  
Copy of original Declaration (5 pages)  
5 Sheets of Drawings  
Check for \$830.00

11017 U.S. PTO

10/075730



02/14/02

Mailed by Post Office Express Mail Label # [EV060192722US

- wrw -

KFS

Mdb2-5

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3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, (See MPEP, § 601.01(d), 7th Edition) applicant thereby:

- A. Petitions under 37 § 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submits the petition fee under 37 Section 1.17(I) and
- C. Submits the attached evidence of the deposit of the items in issue.

Applicant respectfully petitions under 37 CFR 1.53(e) in response to the Notice of Incomplete Nonprovisional Application, Applicant respectfully petitions under 37 CFR 1.53(e) in response to the Notice of Incomplete Nonprovisional Application dated March 7, 2002 to grant a filing date as of February 14, 2002 and the application go forward for prosecution. The ground of the petition are as follows:

- 1) On February 14, 2002, by Certificate of Express Mail, Applicant filed a continuation application on Serial Number 09/301,261, along with a three-month petition for extension of time.
- 2) A postage-prepaid, return address postcard was included in the filing (a copy is attached as Exhibit A).
- 3) The postcard lists, as included with the filing papers, "5 sheets of drawings" (See Exhibit A).
- 4) The postcard was returned with a label from the USPTO indicating receipt of the materials listed on the postcard (See Exhibit A).
- 5) There is no indication of the postcard that the drawings were not included in the filing (See Exhibit A).

- 6) The application transmittal indicates the inclusion of 5 sheets of drawings  
(See Exhibit B).
- 7) The undersigned's file copy includes 5 sheets of drawings, Figures 1-5  
(See attached Exhibit C).
- 8) Pursuant to MPEP § 601.01(g), Applicant respectfully submits the  
returned postcard bearing the USPTO "received" label without indication  
that the drawings were not received, and respectfully petitions that (a) that  
this establishes sufficient evidence that the drawings were indeed filed  
with the other papers; (b) that the application should be afforded the filing  
of February 14, 2002; (c) that the enclosed check for \$130.00 (the fee for  
the peptone) should be refunded by crediting deposit account #26-0084;  
(d) that the application should be forwarded to prosecution.

4. Fee Payment

☒ Attached is a ☒ check ☐ money order in the amount of \$130.00

☐ Authorization is hereby made to charge the amount of \$130.00

☐ to Deposit Account No. 26-0084

☐ to Credit card as shown on the attached credit card information authorization  
from PTO-2038

☒ Charge any additional fees required by this paper or credit any overpayment in  
the manner authorized above.

A duplicate of this paper is attached.

5. Request for Refund for Petition Fee Under 37 CFR 1.53(e)

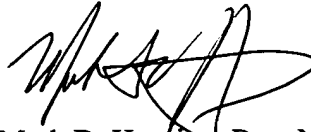
It is respectfully requested that, upon grant of the petition under 37 Section 1.53(e), the petition fee be refunded by:

☒ a refund check

☐ a credit to the charge authorized above

It is not believed that any additional fees or petitions for extension of time are required for entry of this response. If any such fee and/or extension is required and has been inadvertently overlooked, please consider this a request therefore and charge any required fee to deposit account #26-0084.

Respectfully submitted,



Mark D. Hansing, Reg. No. 30,643  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338  
**CUSTOMER NO: 22885**  
Attorneys of Record

- wrw -

Enclosures: Notice of Incomplete Nonprovisional Application  
Copies of: Return postcard, Application Transmittal,  
and Originally submitted drawings  
Check for \$130.00

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>6/20/02</u>		2 Serial/Patent # <u>10-675730</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	4	5-2002	\$ 130							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$ 130								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>2</td><td>6</td><td>--</td><td>0</td><td>0</td><td>8</td><td>4</td></tr></table>			2	6	--	0	0	8	4
2	6	--	0	0	8	4					
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
PTO Error											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>A M BROWN</u>			TITLE: <u>A Hy</u>								
SIGNATURE: <u>[Signature]</u>			PHONE: <u>305 030</u>								
OFFICE: <u>OP</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>			DATE: <u>7/2/02</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



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## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	P02293US2
First Inventor	Karen A. McKirchy
Title	Method and Apparatus for Providing Instructional
Express Mail Label No.	EV060192722US

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 29]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. ☒ Oath or Declaration [Total Pages 5]
  - a. ☒ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09, 301,261

Prior application information:

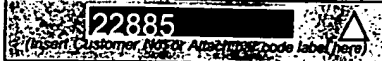
Examiner Vu, K.

Group Art Unit: 2173

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

### 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

Name

Address

City

Country

State

Tel phone

Zip Code

Fax

Name (Print/Type)

Mark D. Hansing

Registration No. (Attorney/Agent)

30,643

Signature

Date

02/14/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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